

Attorney's Docket No. 000515-280Application No. 10/019,955

Page 6

REMARKS

Claims 1-13 are pending in the application. Claims 1 and 13 were amended to correct typographical errors. Thus, these amendments were made for reasons unrelated to the statutory requirements for a patent and have not narrowed the scope of the claims. Accordingly, the amendment of these claims does not raise any presumptions regarding, nor trigger the application of the doctrine of prosecution history estoppel to limit the range of equivalents. No new matter was added.

The Drawings

The drawings were objected to under 37 C.F.R. § 1.83(a) as not showing a feature of claim 4. Specifically, the Office Action states that the bond site exhibiting a first extension and a second extension which is perpendicular to the first extension in claim 4 must be shown or the feature canceled from the claim. However, Applicants respectfully submit that the features of claim 4 are sufficiently illustrated in the drawings as filed and described in the specification. Moreover, the features of claim 4 would be readily understood by one of skill in the art. As described in the specification, when the bond sites consist of line-shaped bond areas, this means that the smallest extension of the bond site is considerably smaller than the second extension which is perpendicular to the smallest extension. *Page 11, lines 26-28.* Line shaped bond sites are shown in Figures 3 and 4. *See, page 16, lines 6-13.* The features of claim 4 are additionally described at page 6, lines 19-23. In view thereof, Applicants respectfully request that this objection to the drawings be withdrawn and submit that a full and complete response to this objection has been provided. In the event the objection is not withdrawn, Applicants request that the Examiner contact the undersigned for further attention to this matter.

The drawings were additionally objected to under 37 C.F.R. § 1.84(p)(5) due to the absence of reference numbers 307 and 308. A replacement sheet for Figure 3 has been submitted herewith including the missing reference numbers. In view of the foregoing, the drawings are believed to now comply with 37 C.F.R. § 1.84(p)(5). Thus, Applicants respectfully request that this objection to the drawings be withdrawn.

Attorney's Docket No. 000515-280Application No. 10/019,955

Pag 7

Th Claims

Applicants appreciate the finding of allowability of claims 2-5. However, in view of the following remarks, Applicants believe all of the claims are in condition for allowance.

Claims 1, 7-10 and 12-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Cree et al., U.S. Patent No. 5,591,149. Applicants respectfully traverse this rejection.

Claim 1 is directed to a material laminate including a first fluid pervious material layer and a second fluid pervious porous material layer. The first material layer and the second material layer in the central portion of the material laminate are intermittently bonded together in a first bond pattern and the first material layer and the second material layer in side portions of the material laminate are intermittently bonded together in a second bond pattern. The percentage of bonded area in relation to the total area in the two side portions is greater than the percentage of bonded area in relation to the total area of the central portion.

Cree et al. is directed to an absorbent article wherein the topsheet is fused to the acquisition web at discrete points of attachment. The fusion bonding preferably comprises a pattern of individual fusion bonds shown as **44** in Figure 1. *Column 14, lines 17-18*. The bonds are described as follows:

In FIGS. 1 and 2, the large bonds **44a** have a diameter of about 2 millimeters. The large bonds **44a** preferably form a bonded area of about 4 mm². The small bonds **44b** have a diameter of about 0.5 millimeter. The small bonds **44b** preferably form a bonded area of about 0.25 mm². The diameter of the bonds **44** in this bond pattern can range from about 0.5 millimeter to about 3 millimeters. The diameter of the bonds **44** preferably ranges between about 0.5 mm. and about 2 mm.

Column 14, lines 36-44.

The Cree et al. patent further states that the large bonds 44a are preferably distributed in a density of 18 bonds per square inch and that the small bonds 44b are preferably distributed in a density of 25 bonds per square inch. *Column 14, lines 62-65*. This language is cited in the Office Action, which then concludes that the percentage of bonded areas in the side portions is greater than the percentage of bonded area in the central portion. However, the rejected claims are directed to a

Attorney's Docket No. 000515-280
Application No. 10/019,955
Page 8

material laminate wherein the percentage of bonded area in relation to the total area in the two side portions is greater than the percentage of bonded area in relation to the total area of the central portion. The language of the Cree et al. patent cited in the Office Action is directed to bonds per square inch, not *bonded area*.

The bonded area of the side portions and the central portion of Cree et al. depends on the size of the bonds. As noted, Cree et al. teaches in column 14, line 38, that the larger bonds in the central portion form a bonded area of about 4 mm² while the smaller bonds in the side regions form a bonded area of 0.25 mm². The larger bonds are distributed in a density of 18 bonds per square inch. Thus, the total bonded area of the larger bonds in the central portion is $18 \times 4 = 72$ mm²/square inch. The corresponding total bonded area of the smaller bonds in the side regions is $0.25 \times 25 = 6.25$ mm²/square inch. In view thereof, Cree et al. does not disclose a material laminate wherein the percentage of bonded area in relation to the total area in the two side portions is greater than the percentage of bonded area in relation to the total area of the central portion.

If the total area of smaller bonds in relation to the total area on the side portions is to be greater than the total area of greater bonds in relation to the total area of the central portion, the side portions as taught by Cree et al. would have to be on the order of 11 times larger than the central portion to meet the requirements set forth in Cree et al. Such a construction is not taught by Cree et al. In the present invention, it is the relation between bonded area and the total area of respective portion that is claimed and not the amount of bonded areas.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Since Cree et al. lacks at least the feature of claim 1 wherein the percentage of bonded area in relation to the total area in the two side portions is greater than the percentage of bonded area in relation to the total area of the central portion, Cree et al. does not anticipate the invention as defined by the rejected claims. In view thereof, Applicants respectfully request that this rejection be withdrawn.

Attorney's Docket No. 000515-280Application No. 10/019,955

Page 9

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cree et al. In view of Lee et al., U.S. Patent No. 3,924,626. Applicants respectfully traverse this rejection.

Claim 6 is directed to a material laminate in accordance with claim 1 wherein the bond sites comprise spot bonds. As discussed above, Cree et al. does not disclose at least one feature of the invention as defined in claim 1, that the percentage of bonded area in relation to the total area in the two side portions is greater than the percentage of bonded area in relation to the total area of the central portion. Cree et al. further would not have made such a feature obvious since Cree et al. is specifically directed to the use of larger bonds in the central portion and smaller bonds in the side portions of an absorbent article. Such a teaching would not have led one of skill in the art to the invention as defined in claim 1.

Lee et al. does not provide any additional teaching which would have made claim 6 obvious to one of skill in the art as it does not remedy the deficiency of the teachings of Cree et al. In view thereof, Applicants respectfully request that this rejection be withdrawn.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cree et al. in view of Sawaki et al., U.S. Patent No. 5,954,705. Applicants respectfully traverse this rejection.

Claim 11 is directed to an absorbent article in accordance with claim 10 wherein the length extension of the side portions in the width direction of the article is at least 4 millimeters along all of the length of the each side portion. Claim 10 is dependent on claim 1.

As discussed above, Cree et al. does not disclose at least one feature of the invention as defined in claim 1, that the percentage of bonded area in relation to the total area in the two side portions is greater than the percentage of bonded area in relation to the total area of the central portion. Cree et al. further would not have made such a feature obvious since Cree et al. is specifically directed to the use of larger bonds in the central portion and smaller bonds in the side portions of an absorbent article. Such a teaching would not have led one of skill in the art to the invention as defined in claim 1.

Attorney's Dock t No. 000515-280Application No. 10/019,955

Page 10

Sawaki et al. does not provide any additional teaching which would have made claim 11 obvious to one of skill in the art as it does not remedy the deficiency of the teachings of Cree et al. In view thereof, Applicants respectfully request that this rejection be withdrawn.

Further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: June 2, 2004

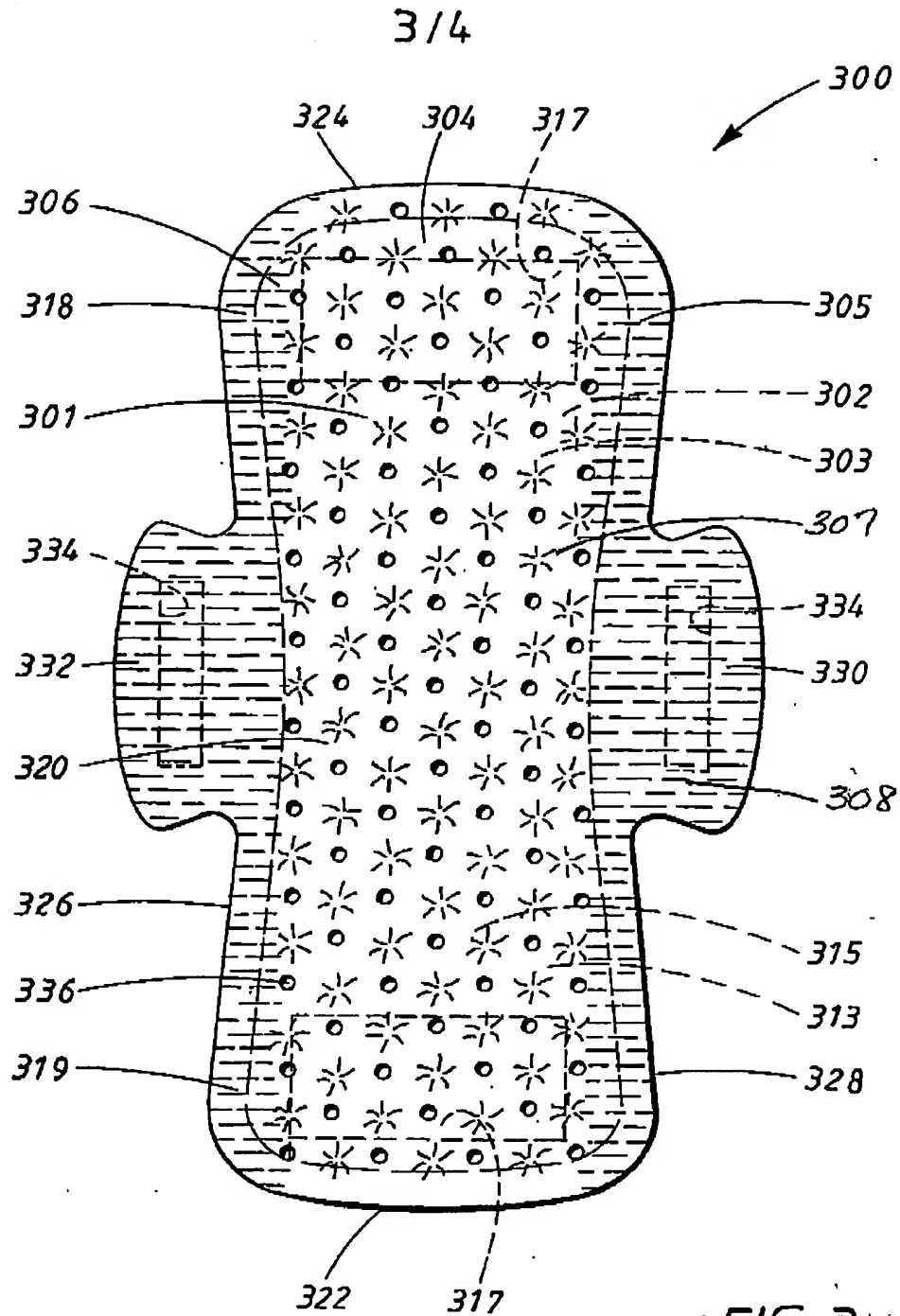
By:

Mary B. Grant

Mary B. Grant

Registration No. 32,176

P.O. Box 1404
Alexandria, Virginia 22313-1404
(919) 941-9240

FIG. 3